

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

IZABELA TYMPEL,

Plaintiff,

v.

CIVIL ACTION NO. 2:19cv64

PREMIER PARKS, LLC,
d/b/a Ocean Breeze Waterpark,
its employees, agents and assigns,

Defendant.

ORDER

This matter comes before the court on the Defendant, Premier Parks, LLC's ("Premier Parks"), Motion for Summary Judgment, ECF No. 13, and corresponding Memorandum in Support, ECF No. 14. The Plaintiff, Izabela TympeL, filed a Response, conceding that she does not have any evidence to oppose Premier Parks' Motion for Summary Judgment. ECF No. 21.


On November 20, 2019, the matter was referred to United States Magistrate Judge Douglas E. Miller pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct necessary hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and recommendations for the disposition of the Motion for Summary Judgment. ECF No. 20. By copy of the Magistrate Judge's Report and Recommendation ("R&R"), filed on

November 25, 2019, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date of the mailing of the R&R to the objecting party. R&R at 8-9, ECF No. 23. No objections were filed.

The court **ADOPTS AND APPROVES IN FULL** the findings and recommendations set forth in the Magistrate Judge's thorough and well-reasoned R&R, ECF No. 23, filed on November 25, 2019. Accordingly, the Defendant, Premier Parks' Motion for Summary Judgment, ECF No. 13, is **GRANTED**, and Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** against Premier Parks, LLC.¹

The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

IT IS SO ORDERED.



/s/
Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

December 11, 2019

¹ This dismissal is without prejudice to the Plaintiff's election to pursue her claim against another party/entity, but the statute of limitations continues to run.